

Court of Appeals, State of Michigan

ORDER

People of MI v Randy Michael Ostrander

Docket No. 286815

LC No. 06-005925-FH

Henry William Saad

Presiding Judge

Mark J. Cavanagh

Elizabeth L. Gleicher

Judges

In lieu of granting the delayed application for leave to appeal, pursuant to MCR 7.205(D)(2), the Court VACATES that portion of defendant's judgment of sentence assessing attorney fees and court costs and REMANDS the matter to Mecosta Circuit Court. The circuit court erred by ordering defendant to pay \$3,379.03 in attorney fees without first assessing his ability to pay those costs. *People v Dunbar*, 264 Mich App 240; 690 NW2d 476 (2004). On remand, the circuit court shall address defendant's current and future financial circumstances and foreseeable ability to reimburse the county for court costs and attorney fees before determining whether he should pay those costs and fees.

This Court does not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

SEP 10 2008

Date

Sandra Schultz Mengel
Chief Clerk